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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,801	12/29/2000	Scott D. Leapman	1957	5937

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EXAMINER

LAstra, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,801

Applicant(s)

LEAPMAN ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-37 have been examined. Application 09/751,801 (SYSTEM AND METHOD FOR TARGETED ADVERTISING) has a filing date 12/29/2000.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al (U.S. 6,526,335).

As per claim 1, Treyz teaches:

A method for broadcast advertising to a mobile communication device, comprising the steps of:

storing acceptance data in the communication device (see column 3, lines 12-31; column 4, lines 1-15; column 3, lines 12-19; column 28, lines 37-43; figures 72-73);

receiving by the communication device a broadcast advertisement containing advertisement data and comparing the advertisement data to the acceptance data to obtain a comparison result (see column 3, lines 28-33; column 60, line 7 – column 61, line 45; column 64, lines 42-67; column 77, line 45 – column 78, line 10; column 82, lines 39-67).

As per claim 2, Treyz teaches:

The method of claim 1, wherein the broadcast advertisement is received by the communication device through a wireless communication channel (see column 11, lines 55-67).

As per claim 3, Treyz teaches:

The method of claim 2, wherein the broadcast advertisement is received by the communication device through one of: a radio transmission, a television transmission, a Bluetooth signal, and an infrared signal (see column 11, line 24 – column 12, line 67).

As per claim 4, Treyz teaches:

The method of claim 1, wherein the broadcast advertisement is received by the communication device from one of a billboard and a storefront (see column 57, lines 31-59; column 84, line 54 – column 85, line 19).

As per claim 5, Treyz teaches:

The method of claim 1, wherein the acceptance data comprises preferences for accepting broadcast advertisements specified by a user of the communication device (see column 3, lines 2-19; column 28, lines 38-43; column 59, line 31 – column 60, line 67; column 61, lines 1-45).

As per claim 6, Treyz teaches:

The method of claim 1, further comprising the step of modifying the acceptance data by integrating entries from a personal information manager (see column 60, line 7 – column 61, line 45).

As per claim 7, Treyz teaches:

The method of claim 1, further comprising the step of displaying the broadcast advertisement on the communication device based on the comparison result (see column 57, lines 22-59; column 60, line 7 – column 61, line 45).

As per claim 8, Treyz teaches:

The method of claim 1, further comprising the step of storing the broadcast advertisement on the communication device based on the comparison result (see column 83, lines 15-32).

As per claim 9, Treyz teaches:

The method of claim 8, further comprising the steps of:

reading deletion data in a stored advertisement, wherein the deletion data indicates criteria for deleting the stored advertisement; and deleting the stored advertisement from the communication device based on the deletion data (see figure 107b).

As per claim 10, Treyz teaches:

The method of claim 1, further comprising the step of outputting a notification signal to a user of the communication device (see column 60, lines 46-67).

As per claim 11, Treyz teaches:

The method of claim 1, further comprising the step of sending an indicator signal to a source of the broadcast advertisement, wherein the indicator signal notifies the source that the communication device is within a broadcast range of the broadcast advertisement (see column 60, lines 46-67).

As per claim 12, Treyz teaches:

The method of claim 1, further comprising the step of communicating through the communication device with a wireless positioning system (see column 11, lines 37-55).

As per claim 13, Trezz teaches:

The method of claim 12, wherein the wireless positioning system is GPS (see column 11, lines 37-55).

Claim 14 contains the same limitations as claims 1 and 5 therefore the same rejection is applied.

Claim 15 contains the same limitation as claim 11 therefore the same rejection is applied.

Claim 16 contains the same limitation as claim 2 therefore the same rejection is applied.

Claim 17 contains the same limitation as claim 6 therefore the same rejection is applied.

Claim 18 contains the same limitation as claim 7 therefore the same rejection is applied.

Claim 19 contains the same limitation as claim 1 therefore the same rejection is applied.

Claim 20 contains the same limitation as claim 2 therefore the same rejection is applied.

Claim 21 contains the same limitation as claim 3 therefore the same rejection is applied.

Claim 22 contains the same limitation as claim 5 therefore the same rejection is applied.

Claim 23 contains the same limitation as claim 6 therefore the same rejection is applied.

Claim 24 contains the same limitation as claims 1 and 7 therefore the same rejection is applied.

Claim 25 contains the same limitation as claim 8 therefore the same rejection is applied.

Claim 26 contains the same limitation as claim 12 therefore the same rejection is applied.

Claim 27 contains the same limitation as claim 13 therefore the same rejection is applied.

Claim 28 contains the same limitation as claim 1 therefore the same rejection is applied.

Claim 29 contains the same limitation as claim 11 therefore the same rejection is applied.

Claim 30 contains the same limitation as claim 2 therefore the same rejection is applied.

Claim 31 contains the same limitation as claim 5 therefore the same rejection is applied.

Claim 32 contains the same limitation as claim 2 therefore the same rejection is applied.

Claim 33 contains the same limitation as claims 1, 5 and 7 therefore the same rejection is applied.

Claim 34 contains the same limitation as claim 11 therefore the same rejection is applied.

Claim 35 contains the same limitation as claim 2 therefore the same rejection is applied.

Claim 36 contains the same limitation as claim 5 therefore the same rejection is applied.

Claim 37 contains the same limitation as claim 12 therefore the same rejection is applied.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Chuprun teaches a high speed data transfer system that includes a WAU which is utilized to provide high speed data access to satellite transferred data.
- Malackowski teaches an information system for providing information to a caller having wireless communication device.
- Moon teaches a system which includes a mobile apparatus that determines the location information and presents advertisement based on the location information.

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- Herz teaches a location enhanced information delivery system that customizes the information that is displayed to a recipient based on optimizing a match between information recipients who are local to an information delivery system.
- Tijerino teaches an adaptive communication data retrieval system provides for sending and receiving personalized information from a communication device via a communication network to a server based retrieval system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DL

Daniel Lastra
November 20, 2003


Mr. Ken
[Illegible text]